

REMARKS

Status of the Claims

Claims 3-4, 6, 9-10, 12-18, and 21 have been cancelled.

New claims 22-25 have been added.

Twelve claims remain in the Application: 1-2, 5, 7-8, 11, 19, 20, and 22-25.

**Program product claims are rewritten to better conform with Requirements of 35 USC 101 in Response to the Rejection**

Program product claims 13-18 and 21 have been cancelled, and rewritten, as new claims 22-25 to better conform to the standards of 35 USC 101 by more clearly defining the state and contribution of the computer program. The new claims 22-25 describe the computer program product as a computer readable medium having a computer readable program stored thereon. The new cancelled program product claims as follows:

Cancelled	New
13	22
14	23
17	24
18	25

**Amendment to Claims in order to get An Early Allowance**

In order to expedite the prosecution of this Application towards an early allowance, the claims have been amended so as to specifically define the core combination of elements of the invention.

**Amended Claims 1-2, 5, 7-8, 11, and 22-25 are Patentable under 35 USC 103(a) over Mekuria (US6,708,147), in view of Hong (US2004/0258132) (US6,647,374)**

The claims have been amended in order to specifically define the core combination of elements of this invention. Independent claims 1, 7, and new claim 22 now respectively include all of the specific elements of cancelled claims 4, 10, and 13. Accordingly, the claims are now considered to be rejected by the above combination of references applied to claims 4, 10, and 16. Applicants submit that the claims as amended are unobvious and thus patentable under 35 USC 103(a) over the combination of Mekuria in view of Hong. The present claimed invention provides a solution to a problem which is quite different from both the problem and solution taught by Mekuria

In the telecommunication transmission of audio data such as voice from transmission stations to receiving stations in streams of sequential audio packets, it is customary to minimize the effects of random background noise during non-audio or silent period by interspersing background noise packets which provide stabilized comfort noise or "white" noise. These interspersed background noise packets are conventionally AGWN packets contain data for driving Additive Gaussian White Noise (AGWN) generators maintained at the receiving stations.

The present has found that the transmitted AGWN packets have become so extensive and prevalent in telecommunication channels that the portion of a communication channel which is available for the audio packets has been substantially diminished by the portion of the communication channel which is used up by the AGWN packets. The present invention eliminates the AGWN packets from the transmitted communication. Instead, the claimed invention associates

**Amended Claims 1-2, 5, 7-8, 11, and 22-25** are Patentable under 35 USC 103(a) over Mekuria (US6,708,147), in view of Hong (US2004/0258132) (US6,647,374)

The claims have been amended in order to specifically define the core combination of elements of this invention. Independent claims 1, 7, and new claim 22 now respectively include all of the specific elements of cancelled claims 4, 10, and 13. Accordingly, the claims are now considered to be rejected by the above combination of references applied to claims 4, 10, and 16. Applicants submit that the claims as amended are unobvious and thus patentable under 35 USC 103(a) over the combination of Mekuria in view of Hong. The present claimed invention provides a solution to a problem which is quite different from both the problem and solution taught by Mekuria

In the telecommunication transmission of audio data such as voice from transmission stations to receiving stations in streams of sequential audio packets, it is customary to minimize the effects of random background noise during non-audio or silent period by interspersing background noise packets which provide stabilized comfort noise or "white" noise. These interspersed background noise packets are conventionally AGWN packets contain data for driving Additive Gaussian White Noise (AGWN) generators maintained at the receiving stations.

The present has found that the transmitted AGWN packets have become so extensive and prevalent in telecommunication channels that the portion of a communication channel which is available for the audio packets has been substantially diminished by the portion of the communication channel which is used up by the AGWN packets. The present invention eliminates the AGWN packets from the transmitted communication. Instead, the claimed invention associates

code with each audio packet which may then be used, i.e. decoded at the receiving station:

- to form the Additive Gaussian White Noise (AGWN) packets at the receiving station,
- to intersperse these AGWN packets to thereby form at the receiving station, a data stream of interspersed audio data and AGWN packets; and
- to then apply the AGWN packets to White noise generators at the receiving station to generate the required White noise interspersed with the audio.

The Mekuria telecommunications system performs none of the above three listed functions. In fact, the teaching of Mekuria would lead one skilled in the art away from considering such a combination of functions. Mekuria does eliminate the interspersed noise generating packets from the sent transmission stream. To this end, Mekuria does associate code with his transmitted audio packets for the generation of required White noise at the receiving station. However, Mekuria's purpose is to eliminate the need for equipment compatibilities between transmitting and receiving equipment. In other words, given its best interpretation, Mekuria has eliminated his interspersed noise generating packets so as to eliminate the need for compatible equipment at the receiving station for the generation of white Noise from these noise packets.

Why then would one skilled in the art consider Mekuria to teach the present invention implementation of **forming the Additive Gaussian White Noise (AGWN) packets** at the receiving station, **interspersing these AGWN packets** with the data packets, and **applying the AGWN packets to White noise**

**generators** at the receiving station? This is the very implementation that Mekuria is trying to avoid.

Mekuria is trying to eliminate the need for generators at his receiving stations which use the conventionally interspersed White noise packets from his transmitted stream. Mekuria sends data indicative of White noise duration and amplitude in association with the audio data packets in the transmission sequences. Mekuria, then uses this duration/amplitude data to directly run his simplified white noise generators. Mekuria would not suggest to one skilled in art, the implementation of this invention wherein the very White noise data packets which Mekuria intends to eliminate are formed by the present invention at the receiving station, and then used to drive the Additive Gaussian White noise (AGWN) generators at the receiving station. Mekuria's teaching would lead one skilled in the art away from the present claimed invention.

It is conceded that Hong does disclose that Additive White Noise Generators do exist. However, Hong does not make up for any of the other deficiencies of the Mekuria patent as set forth above.

**Claims 19-20 are Patentable under 35 USC 103(a) over Mekuria (US6,708,147), in view of Hong (US2004/0258132) (US6,647,374), further in view of Nayak, (US2003/0078767)**

Dependent claims 19-20 are submitted to be patentable over the combination of Mekuria, and Hong for all of the reasons set forth hereinabove for the patentability of independent claims 1 and 7 from which these dependent claims respectively depend. Even, if the additional elements in the combinations of these dependent claims could be said to be found in Nayak, this would have no effect on the basic patentability derived from the independent claims from which these dependent respectively depend.

SN. 10/730,955

In view of the foregoing, claims 1-2, 5, 7-8, 11, 19-20, and 22-25 are submitted to be in condition for allowance, and such allowance is respectfully requested.

**Interview Request**

As set forth, above, a purpose of this amendment to the claims is to specifically define the core combination of elements of the invention in order to expedite the prosecution of this Application towards an early allowance. To this end, a telephone Interview is requested at Examiner's earliest convenience. Applicants' attorney will contact Examiner to set up such an Interview.

Respectfully submitted,

 3/10/08  
J. B. Kratt  
Attorney for Applicants  
Registration No. 19,226  
(512) 473-2303

**ALL CORRESPONDENCE SHOULD BE DIRECTED TO:**

Greg Doudnikoff  
Intellectual Property Law Dept.  
IBM Corporation, BLDG YXSA/B002  
3039 Cornwallis Rd.  
P.O. Box 12195  
Research Triangle Park, NC 27709-2195